

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)
The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: OCTOBER 25, 2019. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2273 BOOT HILL COURT, SUITE 110, BOZEMAN, MT 59715-7249 FAX: 406-587-9726 PHONE: 406-586-3136.

Application Number : 43A 30108883

Applicant : HAYHOOK LAND LLC
1067 US HIGHWAY 89 N
LIVINGSTON, MT 59047 9340

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM Historical Flow Rate: 4. CFS	43A 35338-00 Historical Consumptive Volume: 85.50 AC-FT Historical Diverted Volume: 386.12 AC-FT	NOVEMBER 1, 1883
STATEMENT OF CLAIM Historical Flow Rate: 1.38 CFS	43A 35343-00 Historical Consumptive Volume: 17.10 AC-FT Historical Diverted Volume: 77.22 AC-FT	NOVEMBER 19, 1903
STATEMENT OF CLAIM Historical Flow Rate: 2.5 CFS	43A 35345-00 Historical Consumptive Volume: 34.20 AC-FT Historical Diverted Volume: 154.45 AC-FT	NOVEMBER 19, 1903
STATEMENT OF CLAIM Historical Flow Rate: 4. CFS	43A 35346-00 Historical Consumptive Volume: 18.99 AC-FT Historical Diverted Volume: 85.80 AC-FT	OCTOBER 3, 1905
STATEMENT OF CLAIM Historical Flow Rate: 1.25 CFS	43A 35347-00 Historical Consumptive Volume: 34.20 AC-FT Historical Diverted Volume: 154.45 AC-FT	JUNE 15, 1891

PAST USE OF WATER

UNDER THESE FIVE RIGHTS, UP TO 13.13 CFS WAS HISTORICALLY DIVERTED FROM BANGTAIL CREEK IN PARK COUNTY USING THE FRANCIS DITCH FOR IRRIGATION OF 119.70 ACRES. THESE FIVE WATER RIGHTS WERE SUBJECT TO CHANGE AUTHORIZATION NO. 43A 3533899, WHICH CHANGED THE PLACE OF USE OF THE WATER RIGHTS TO INCLUDE A PIVOT. THIS PREVIOUS CHANGE WAS ISSUED ON AUGUST 29, 2001. WATER COURT ACTION ON JUNE 19, 2013, RESULTED IN AN AMENDMENT THAT ADDED AN ADDITIONAL 162.3 ACRES, FOR A TOTAL OF 282.3 ACRES OF PRE-1973 IRRIGATION.

PROPOSED CHANGE

FLOW RATE: 13.13 CFS

THE APPROPRIATOR IS AUTHORIZED TO ADD A SECONDARY POINT OF DIVERSION TO FIVE WATER RIGHTS: 43A 35338-00, 43A 35343-00, 43A 35345-00, 43A 35346-00, AND 43A 35347-00. THE ADDITIONAL POINT OF DIVERSION WOULD BE DOWNFLOW ON THE SHIELDS RIVER (A NATURAL CARRIER) AT A POINT IN THE SWSESE OF SECTION 24, T01N, R09E, PARK COUNTY. THE CLAIMED POINT OF DIVERSION IS RETAINED AT THE FRANCIS DITCH. MEASUREMENT OF BANGTAIL CREEK WATER IS REQUIRED TO ENSURE NO SHIELDS RIVER WATER IS BEING TAKEN. NO CHANGES ARE PROPOSED FOR THE PURPOSE OR PLACE OF USE. THE IRRIGATED ACREAGE TODAY IS 274 ACRES TOTAL.

ADDITIONAL INFORMATION

WHILE THE LEGAL LAND DESCRIPTION FOR THE FRANCIS DITCH WAS FILED DIFFERENTLY BY DIFFERENT CLAIMANTS, FOR PURPOSES OF THIS CHANGE THE FRANCIS DITCH HAS NOT CHANGED LOCATION AND IS CONSIDERED LOCATED AT SWSESE OF SECTION 21, T01N, R09E, PARK COUNTY.

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